

**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**

Order Instituting Investigation into the ratemaking implications for Pacific Gas and Electric Company (PG&E) pursuant to the Commission's Alternative Plan of Reorganization under Chapter 11 of the Bankruptcy Code for PG&E, in the United States Bankruptcy Court, Northern District of California, San Francisco Division, In re Pacific Gas and Electric Company, Case No. 01-30923 DM. (U 39 M)

Investigation 02-04-026  
(Filed April 22, 2002)

In the Matter of the Application of Pacific Gas and Electric Company for: (1) Authority to Sell or Assign Recovery Property to One or More Financing Entities; (2) Authority to Service Recovery Bonds on Behalf of Financing Entities; (3) Authority to Establish Charges Sufficient to Recover Fixed Recovery Amounts and Fixed Recovery Tax Amounts; and (4) Such Further Authority Necessary for PG&E to Carry Out the Transactions Described in this Application. (U 39 M)

Application 04-07-032  
(Filed July 22, 2004)

**ADMINISTRATIVE LAW JUDGE'S RULING  
REGARDING EXPEDITED SCHEDULE FOR FILING  
OF ANY APPLICATION FOR REHEARING OF  
DECISION (D.) 05-08-035 AND RESPONSES THERETO**

Decision (D.) 05-08-035 was adopted by the Commission at the meeting of August 25, 2005, and mailed to the parties on August 29, 2005. In that decision,

the Commission grants in part and denies in part the petition to modify Decision (D.) 04-11-015 filed by the California Municipal Utilities Association (CMUA) and the petitions to modify D.04-02-062 filed by CMUA, the Merced Irrigation District (Merced), and the Modesto Irrigation District (Modesto). The decision grants the petitions to the extent they seek to exempt new municipal departing load (new MDL) from Pacific Gas and Electric Company's (PG&E's) Regulatory Asset Charge (RAC) and Energy Recovery Bond Charges to the same extent that new MDL is exempted from the California Department of Water Resources (DWR) Power Charge, and denies the petitions to the extent they seek to exempt transferred load from the RAC and Energy Recovery Bond Charges. The decision involves the Energy Recovery Bond Charges and matters related to certain provisions in Senate Bill 772 ("SB 772") of the Regular Session of 2003-2004 (Stats. 2004, ch. 46).

D.05-08-035 construes, applies, implements, and interprets the provisions of Article 5.6 (commencing with Section 848) of Chapter 4 of SB 772, which modified Public Utilities Code Section 1731, and added Public Utilities Code Section 1769. Public Utilities Code Section 1731(d) requires that as a prerequisite for filing a cause of action "in any court," an application for rehearing of a Commission decision construing, applying, or implementing the provisions of Article 5.6 (commencing with Section 848) of Chapter 4 must be filed within ten days after the date of issuance of the decision. (Pub. Util. Code, § 1731, subd. (d).) Accordingly, applications for rehearing of D.05-08-035 are due ten days

after the issuance of this decision.<sup>1</sup> Applications for rehearing of these decisions must therefore be filed by September 8, 2005.

Section 1731(d) also requires the Commission to “issue its decision and order on rehearing within 20 days after the filing of that application.” In order to issue a decision or order on rehearing of D.05-08-035 within the applicable timeframe, the Commission will need to take up consideration of any applications for rehearing at its regularly scheduled meeting on September 22, 2005.

Pursuant to Rule 86.2 of the Commission’s Rules of Practice and Procedure, a response to an application for rehearing may be filed no later than 15 days after the day the application for rehearing is filed. Consequently, under the expedited schedule for the filing of applications for rehearing, responses would not be due until September 23, 2005, one day after the September 22, 2005 Commission meeting. Therefore, so that the Commission may have sufficient time to consider responses to any applications for rehearing that may be filed, the time for filing responses must be shortened. Although the Commission is not obligated to withhold a decision on an application for rehearing to allow time for a response to be filed,<sup>2</sup> the time for filing a response to any application for rehearing shall be shortened to September 13, 2005. Accordingly, any party planning to file a response in this matter shall file and serve the response on or before September 13, 2005. Any response shall be served by electronic mail on those parties on the service list who have provided an e-mail address, and by first class

---

<sup>1</sup> In the decision, the Commission specifically noted the applicability of § 1731(d), and in particular the 10-day time for filing applications for rehearing.

<sup>2</sup> See Rule 86.2 of the Commission’s Rules of Practice and Procedure.

mail or other expeditious mode of delivery to those who have not provided an e-mail address. In addition, any responses shall also be electronically served on the following Commission staff: Helen W. Yee (yee@cpuc.ca.gov).

Therefore, **IT IS RULED** that:

1. Any party filing an application for rehearing of D.05-08-035 shall file the application on or before September 8, 2005, and shall serve the application in the same manner as specified for responses.

2. The time for filing a response to any applications for rehearing of D.05-08-035 shall be shortened. Any party filing responses to such applications for rehearing shall file the responses on or before September 13, 2005, and shall serve the responses in the manner specified above.

Dated August 29, 2005, at San Francisco, California.

/s/ TIMOTHY KENNEY

Timothy Kenney  
Administrative Law Judge

## **CERTIFICATE OF SERVICE**

I certify that I have by mail, and by electronic mail, to the parties for whom an electronic mail address has been provided, this day served a true copy of the original attached Administrative Law Judge's Ruling Regarding Expedited Schedule for Filing of any Application for Rehearing of Decision 05-08-035 and Responses Thereto on all parties of record in this proceeding or their attorneys of record.

Dated August 29, 2005, at San Francisco, California.

/s/ TERESITA C. GALLARDO

Teresita C. Gallardo

## **N O T I C E**

Parties should notify the Process Office, Public Utilities Commission, 505 Van Ness Avenue, Room 2000, San Francisco, CA 94102, of any change of address to insure that they continue to receive documents. You must indicate the proceeding number on the service list on which your name appears.